

1. On December 10, 2019, Plaintiff filed her Complaint in this Action, which seeks relief from CHW on behalf of herself and putative class members under the Telephone Consumer Protection Act (“TCPA”). *See* Dkt. 1 (“Complaint”).

2. On February 25, 2020, CHW filed its answer and affirmative defenses to the Complaint, therein denying all of Plaintiff’s TCPA allegations against CHW and asserting various affirmative and other defenses. *See* Dkt. 25.

3. On July 17, 2020 and August 10, 2020, respectively, CHW issued two Rule 45 subpoenas to non-party AT&T, who is Plaintiff’s and other witnesses’ cellular phone and home internet service provider, for the production of documents and things (the “AT&T Subpoenas”). Though AT&T produced some responsive materials and did not object to AT&T Subpoenas within the time allotted under Rule 45, it did not produce responsive “content information” reflecting website access or usage (*i.e.*, specific URL and IP addresses), instead informing CHW’s undersigned counsel that (i) pursuant to its corporate privacy policy, a court order would be required before AT&T would produce said information; and (ii) an agreed order from this Court would suffice for this purpose. Plaintiff has agreed to seek such an order. Additional time is therefore needed so that these documents may be produced.

4. On July 17, 2020, CHW noticed Plaintiff’s deposition and issued two Rule 45 deposition and document subpoenas to third party witnesses. Plaintiff’s deposition, which was scheduled for August 20, 2020, was postponed because of

medical issues. Despite its diligence, however, CHW has been unable to schedule the depositions for or obtain the requested documents from the third parties to date due to CHW's inability to obtain service and the witnesses' failure to respond subsequent thereto. Additional time is therefore needed to obtain this discovery.

5. The Parties have raised various disputes with respect to their respective written discovery responses and other discovery-related issues. Meet and confer discussions in this regard are ongoing and have not been completed. Additional time is therefore needed to resolve these disputes and complete discovery.

6. Pursuant to Local Rule 26.2, Fed. R. Civ. P. 6, and Dkt. 26, the discovery cut-off date in this Action is currently August 24, 2020.

7. Accordingly, the Parties, through their respective undersigned counsel, have met and conferred and have agreed to jointly request that the Court: (i) extend the discovery cut-off date by a period of no longer than three (3) months, to and including November 24, 2020; and (ii) order AT&T to produce all documents, records and other materials responsive to the AT&T Subpoenas that are being withheld by it, other than those being withheld under a valid claim of privilege.

8. Given the foregoing, the Parties believe there is good cause for granting the foregoing requests. Further, this joint motion is being made in good faith and not for the purposes of delay but so that the Parties have sufficient time to obtain and

complete relevant discovery to support their claims and defenses in this Action. No party would be prejudiced if this motion is granted.

9. This motion is timely made prior to the expiration of the existing discovery period.

10. This is the Parties' first request for an extension of the discovery period.

11. By this motion, the Parties do not waive any rights or objections to discovery or otherwise.

12. A proposed agreed order in this regard is attached hereto and is being submitted herewith for the Court's consideration and approval.

WHEREFORE, the Parties respectfully request that the Court grant the foregoing motion and enter the attached proposed order, or a substantially similar order, (i) extending the discovery schedule in this Action to and including November 24, 2020 and (ii) requiring AT&T to fully respond to the AT&T Subpoenas, along with granting all other relief deems just and proper.

Dated: August 21, 2020

Respectfully submitted,

By: /s/ A. Paul Heeringa

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and/on behalf of others similarly situated*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically and served on all counsel of record in the above-captioned matter on August 21, 2020 via the Court's CM/ECF filing system/service.

/s/ A. Paul Heeringa

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